

**The Honorable John Fleming**  
**Chairman**  
**House Water, Power and Oceans Subcommittee**  
**Opening Statement**  
**Legislative Hearing on**  
**H.R. 4366, H.R. 5217 and the**  
**Discussion Draft of “The Blackfeet Water Rights Settlement Act of 2016”**  
**May 24, 2016**

Today’s hearing involves an examination of water-related settlements between the federal government and non-federal parties.

These complex and bipartisan settlements are the results of decades of litigation, claims and negotiations and are intended to provide certainty for all parties involved. But, they also involve federal dollars. Louisianans and other American taxpayers are being asked to pay for some parts of these settlements, so there are legitimate questions about the federal costs and benefits of these bills.

One of the most important questions involving a settlement – especially when American taxpayer dollars will be used – is whether resolving the litigation will be advantageous to the federal government compared to its liability under current law. For many years, these questions were either ignored or not adequately answered on a bipartisan basis. Congress was simply viewed at times as a final rubber stamp for approving costly settlements or forced to be an arbitrator on fiscal expenditures even though it did not have the key information needed to make a decision.

Times have changed. With an over 19 trillion dollar debt, we need to figure out whether these and other settlements are in the best interests of the American taxpayer. It is not responsible to make these assessments in a vacuum. And that’s why the Chairman of this Committee, Rob Bishop, asked the current Interior Secretary and the former Attorney General last year to provide more information on future Indian water rights settlements in order to ensure that they are fiscally responsible and justified.

(I ask unanimous consent to enter that letter into the Record – *hearing no objection, so ordered*)

He asked the Administration to send documentation on seven requests before Congress would consider these settlements. This Administration, to its credit, responded favorably and our staff have worked together on this new protocol over the last fifteen months. As a result, we have a recent Administration letter on the Blackfeet settlement before us today that answers many of these questions. A letter was also sent on the proposed Pechanga (*Pa-chang-a*) settlement but it did not make the deadline necessary to add it to today’s agenda. At some point soon, we may consider that settlement.

The letters on both these settlements responded to many of Chairman Bishop's requests. But, one of the key ones was not definitively answered. Specifically, the Bishop letter requests that the Administration affirm that a settlement meets longstanding federal criteria in place to determine that the quote "total cost of a settlement to all parties should not exceed the value of the existing claims as calculated by the Federal government" unquote. As the television screen indicates, both the Blackfeet and Pechanga (*Pa-chang-a*) letters stated that quote "the Office of Management and Budget advises that it is still assessing and evaluating the information necessary for it to definitively conclude whether the proposed settlement meets all of the Criteria and Procedures" unquote.

While Congress has more information than ever before, we simply don't have all of it yet – especially as it relates to the net benefits of these two water rights settlements. On the other hand, the Administration was very specific in providing the net benefits and costs on the drainage settlement before us today, as evidenced by the chart on the television screen.

These are well-intended settlements and I commend those of you who have worked so hard on getting these bills to this important juncture. But, as I pointed out, more information is necessary from the Administration. We also need to work with the Congressional Budget Office to determine, prior to further consideration, what these bills would cost – or perhaps reduce the costs of – the federal government.

The American people have asked for and deserve transparency and accountability so their taxpayer dollars are spent wisely. This hearing will help examine these settlements in that context. I look forward to today's testimony.